

Appl. No. 10/790,990
Response dated May 18, 2009
Reply to Office Action of December 16, 2008

REMARKS

This is in response to the Office Action dated December 16, 2008. Claims 1-65 are pending in the application and all claims are rejected.

The Examiner rejected all claims under 35 U.S.C. §112 as noted at page 2 of the office action. It is submitted that the added claim language has been added to the specification and is therefore supporting of the claims. No new matter has been entered because figures 1-3 and page 10 lines 11 - 35 and page 11 lines 1 - 11 of the patent application as filed support the subject matter claimed.

The Examiner indicated at page 2 of the Office Action that claims 1-65 were rejected under 35 U.S.C. §102(b) as being clearly anticipated by Brooks (US 797,660).

The Examiner indicated at page 3 of the Office Action that claims 1-65 were rejected under 35 U.S.C. §103(a) as being unpatentable by either one of the King Kooker brochures.

Each of the claims has been amended to point out that applicant's invention includes a plurality of food holding inserts that fit the pot interior, wherein a first insert is selectively connectable to and supported by a second insert, the second insert having a connector for connecting with a lifting hook and being configured to extend between the pot bottom portion and the pot upper end portion and support a food item when not connected to the first insert. Brooks does not meet these claims because Brooks does not have a food holding insert that extends between the pot bottom portion and the pot upper end portion and which has a connector for forming a connection with a lifting hook.

Each independent claim is thus believed allowable. New claims 42-44 specify the first insert as a steamer plate (see figures 1, 7). New claims 45-47 specify the first insert being spaced above the pot bottom (see figure 7). New claims 48-50 specify that one of the inserts has a central support that is configured to support a turkey carcass. New claims 51-53 specify that the first insert is a

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steamer plate connectable to the central support of the second insert. New claims 54-56 specify that the steamer plate has a central opening that accepts the central support of the second insert. New claims 57-59 relate to connectability of the second insert to a lifting hook. New claims 60-62 specify that the pot has a diameter and height greater than the diameter. New claims 63-65 specify that the second insert has a height that is greater than the pot diameter.

The Examiner is requested to reconsider the rejection based upon the King Kooker brochures of record. At page 1 of the application, in cross reference to related applications, notice that the earliest filed application of March 10, 1997 pre-dates any of the brochures of record. The subject matter contained in each of the independent claims, namely the newly added element “f” of claim 1, “e” of claim 13, “f” of claim 25 find support in that original disclosure. Therefore it is believed that the claims are patentable over the art of record.

Applicant respectfully submits that the application is in condition for allowance. A Notice of Allowance is hereby respectfully requested.

Should the Examiner feel that a telephone conference would advance the prosecution of this application, he is encouraged to contact the undersigned at the telephone number listed below.

Applicant respectfully petitions the Commissioner for any extension of time necessary to render this paper timely.

The requisite fees of \$245 are being charged to Deposit Account No. 50-0694. Please charge any additional fees due or credit any overpayment to Deposit Account No. 50-0694.

Respectfully submitted,

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